

Town Board Minutes

August 16, 2010

Meeting No. 23

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 16th day of August 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, CODE ENFORCEMENT OFFICER
GARY STOLDT, CHIEF OF POLICE
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

EXECUTIVE SESSION:

AT 9:45 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a contractual matter.

At 10:30 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, spoke to the Town Board on the following matters:

- Code Enforcement matters
- Private cemetery matters

Gwarek, Lawrence, spoke to the Town Board on the following matters:

- Concerns about speed on Stutzman Road and location of speed sign; Police will erect speed monitoring equipment on Stutzman Road
- Drainage concerns on Redlein Road

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon the Special Use Permit Application of Charles A. Giambrone for an Automotive Repair Business upon premises known as 505 Erie Street, Building A.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Charles Giambrone, petitioner	Proponent
Lawrence Gwarek	Comments
Ron & Kathy Mays	Opponent
Tim Krieb	Proponent
Paul Szleis	Proponent
Shirley Greenauer	Proponent
Robert Sugg	Comments
Mike Fronczak	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 9:10 P.M.

Decision on this matter was reserved.

August 16, 2010

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 9:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the Special Use Permit Application of Robert Sugg, Jr. for an Automotive Repair Business upon premises known as 505 Erie Street, Building A.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Robert Sugg, petitioner	Proponent
Lee Chowaniec	Comments
Robert Monti, property owner of 505 Erie Street	Comments

ON MOTION BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the public hearing was closed at 9:27 P.M.

Decision on this matter was reserved.

August 16, 2010

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 2, 2010 and the Regular Meeting of the Town Board held August 2, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010
File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 15033 to Claim No. 15392 Inclusive
Total amount hereby authorized to be paid: \$1,301,239.76

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

18274	Castle Home Imprv	25 Seitz Ave	Re-Roof	
18324	Basin, Bruce	57 Cambria St	Er. Shed	(V/L)
18325	Pro Line Pools	37 Avian Way	Er. Pool-Abv Grnd	
18326	Ross, Leonard	37 Avian Way	Er. Deck	
18327	Sun Enterprises	163S Irwinwood Rd	Er. Shed	(V/L)
18328	Marrano/Marc Equity Inc	17 Sterling Pl	Er. Dwlg.-Sin.	
18329	Marrano/Marc Equity Inc	14 Sterling Pl	Er. Dwlg.-Sin.	
18330	Fleck, Phillip	653 Pleasant View Dr	Er. Pool-In Grnd	
18331	Fleck Phillip	653 Pleasant View Dr	Er. Fence	
18332	Karcher, Cynthia	190 Iroquois Ave	Er. Res. Add.	
18333	American Fence Co	1 Quail Run Ln	Er. Fence	
18334	Fischione, Matthew	100 Stony Rd	Er. Shed	
18335	Castle Home Imprv	7 Via Donato W	Re-Roof	
18336	Iroquois Fence Inc	12 Clark St	Er. Fence	(V/L)
18337	Duro Shed Inc	644 Harris Hill Rd	Er. Shed	
18338	NJ Construction	599 Harris Hill Rd	Re-Roof	
18339	McFarland, Scott	39 Ashwood Ct	Er. Res. Alt.	
18340	Crist Construction	56 Stony Brook Dr	Re-Roof	
18341	Schuster Const.	27 Cedar Brook Dr	Er. Res. Add.	
18342	Harman, Keith	547 Aurora St	Re-Roof	
18343	Harman, Keith	547 Aurora St	Er. Deck	
18344	Maslowski, Patricia	534 Lake Ave	Inst. Generator	
18345	Sun Enterprises Inc	17 Old Orchard Comm	Er. Shed	
18346	Iroquois Fence Co	60 Fairfield Ave	Er. Fence	(V/L)
18347	Castle Home Imprv	73 Hess Pl	Re-Roof	
18348	City Fence	4887 William St	Er. Fence	
18349	Killian Const	199 Nathan's Trl	Er. Deck	
18350	ABS Construction	6347 Transit Rd	Re-Roof	
18351	Rich, Barbara	67 Banner Ave	Er. Deck	(V/L)
18352	Benson, Kenneth	124 Pavement Rd	Re-Roof	
18353	Irwin Roofing	51 Gale Dr	Re-Roof	
18354	Hamp, Christopher	13 Tranquility Trl	Er. Shed	
18355	HD Unlimited	228 Nathan's Trl	Er. Pool-Abv Grnd	
18356	Buscaglia Decks	24 Logan Ln	Er. Deck	
18357	Marie Mackay	54 Tomahawk Trl	Re-Roof	
18358	Majestic Pools Inc	16 Sterling Pl	Er. Pool-In Grnd	
18359	Majestic Pools	16 Sterling Pl	Er. Fence	
18360	Slivan Pool and Construction	17 Buckingham Ct	Er. Pool-Abv Grnd	
18361	Charles Bayse	5765 Broadway	Er. Res. Alt.	
18362	Swimco Manufacturing inc	786 Ransom Rd	Er. Pool-In Grnd	

18363	Grau Builders	2 Logan Ln	Er. Dwlg.-Sin.
18364	Marrano/Marc Equity Corp	17 Carlisle St	Er. Dwlg.-Sin.
18365	Holiday Remodeling & Bldg	3 Ann Marie Dr	Er. Deck
18366	The Pool Guy	55 Southpoint Dr	Er. Pool-Abv Grnd
18367	Sahlem's Roofing & Siding	25 Sugarbush Ln	Re-Roof
18368	City Fence	80 Pleasant Ave	Er. Fence (V/L)
18369	Sitzman's Maytag	507 Aurora St	Inst. Generator
18370	Concord Amish Village	7 Quail Run Ln	Er. Shed
18371	Lancaster Radio Club	525 Pavement Rd	Er. Comm. Add./Alt.
18372	Guardian Fences of WNY	52 Pheasant Run Ln	Er. Fence
18373	Castle Home Improvements	70 Old Post Rd	Re-Roof
18374	The Gutter People of WNY	19 Oxford Ave	Re-Roof (V/L)
18375	Danaby Construction Inc.	36 Glendale Dr	Re-Roof
18376	Schuster Construction	66 Sawyer Ave	Re-Roof (V/L)
18377	Capital Fence Co	13 Tranquility Trl	Er. Fence
18378	Timothy Roof	254 Enchanted Forest N	Er. Fence
18379	Mr. Pool Enterprises	254 Enchanted Forest N	Er. Pool-In Grnd
18380	Elegant Builders	236 Pleasant View Dr	Er. Garage
18381	Kasem A. Morshed	400 Harris Hill Rd	Er. Deck
18382	Ryan Homes	36 Avian Way	Er. Dwlg.-Sin.
18383	Star Construction	13 Chicory Ln	Er. Shed
18384	Anteros Construction Inc.	157 N Maple Dr	Er. Res. Alt.
18385	Beebe Construction Inc	15 Stony Brook Dr	Re-Roof

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, by resolution adopted on July 19, 2010, the Town Board approved the amendment to the Parks Ordinance to include the Heritage Trail Bike Path from Walter Winter Road to Town Line Road located in the Town of Lancaster, and

WHEREAS, due to a technical error, the final resolution will need to be withdrawn and additional language added to ensure it adheres to previous Board recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the resolution adopted July 19, 2010, amending the Parks Ordinance to include the Heritage Trail Bike Path in the Town of Lancaster is hereby rescinded.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 19th day of July, 2010 for the purpose of amending Chapter 29, “Parks”, by deleting Section 29-2 (B) in its entirety and enacting in place thereof a new Section 29-2 (B) of the Code of the Town of Lancaster, and

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

That Chapter 29 “Parks”, Section 29-2 (B) of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby deleted in its entirety and enacted in place thereof is a new Section 29-2 (B) of Chapter 29, “Parks” of the Code to read as follows:

CHAPTER 29 - PARKS

Section 29-2. General Regulations.

.....

B. The operation of any motorized vehicle such as automobiles, motorcycles, minibikes, snowmobiles and the like is prohibited within the area of parklands, including the Heritage Trail Bike Path; provided, however, that the operation of licensed vehicles for the transporting of the public to and from the parklands is permitted on all improved roadways, and the parking of such vehicles is also permitted within designated parking areas. This resolution shall not be construed as dedicating any portion of the Heritage Trail Bike Path to the Parks.

2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 16th day of August, 2010;

- 3. That a certified copy of this amendment be published in the Lancaster Bee on August 19, 2010;
- 4. That a certified copy of this Amendment be posted on the Town Bulletin Board; and
- 5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 29 - PARKS
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that Chapter 29, “Parks”, Section 29-2 (B) of the Code of the Town of Lancaster is hereby deleted in its entirety and enacted in place thereof is a new Section 29-2 (B) to read as follows:

CHAPTER 29 - PARKS

Section 29-2. General Regulations.

.....

B. The operation of any motorized vehicle such as automobiles, motorcycles, minibikes, snowmobiles and the like is prohibited within the area of parklands, including the Heritage Trail Bike Path; provided, however, that the operation of licensed vehicles for the transporting of the public to and from the parklands is permitted on all improved roadways, and the parking of such vehicles is also permitted within designated parking areas. This resolution shall not be construed as dedicating any portion of the Heritage Trail Bike Path to the Parks.

August 16, 2010

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

This is to certify that **I, Johanna M. Coleman**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 16th day of August, 2010 and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 16th day of August, 2010.

Johanna M. Coleman, Town Clerk

(S E A L)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for One (1) new and unused 2011 Ford F-250 Super Cab, Short Box, 4 x 4 Pick Up Truck and One (1) 2011 Ford F-150 Super Cab, 6' Box, 4 x 4 Pick Up Truck for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on July 28, 2010, and

WHEREAS, the Highway Superintendent, by letter dated August 10, 2010, has recommended award of the bid to **Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225, in the amount of \$18,348.00;**

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, upon the recommendation of the Highway Superintendent, hereby awards the bid for

1. One (1) new and unused 2011 Ford F-250 Super Cab, Short Box, 4 x 4 Pick Up Truck and One (1) 2011 Ford F-150 Super Cab, 6' Box, 4 x 4 Pick Up Truck for use by the Highway Department, to **Basil Ford, 1540 Walden Avenue, Cheektowaga, New York 14225** in conformance with the specifications on file in the office of the Town Clerk., in the total amount of **\$18,348.00;**

2. That the following vehicles are to be traded to Basil Ford, Inc., as per the trade-in allowances listed on the Bid Form:

- | | |
|----------------------------------------------------------------------------------------|-------------|
| A. One (1) 2007 Chevrolet Silverado Classic LT1 2500 HD
Vin #1GCHK29U57E164680 | \$20,000.00 |
| B. One (1) 2005 Ford F250 Super Cab, Short bed 4 x 4 Pick Up
Vin #1FTSX21585EA37687 | \$6,500.00 |

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for the refurbishing of the shelter in Keysa Park within the Town of Lancaster, and

WHEREAS, a grant was received from the New York State Office of Parks and Historic Preservation to assist in the cost of the refurbishing, and

WHEREAS, bids were received, opened and reviewed on August 11, 2010, and

WHEREAS, by letter dated August 12, 2010, Wm. Schutt & Associates, PC., the Town’s Consulting Engineer, has recommended award of the contract to MGR Constructors Inc., being the lowest responsible bidder in the amount of \$34,540.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster, hereby awards the bid for the Keysa Town Park Shelter Refurbishing to MGR Constructors, Inc., P.O. Box 61, Bowmansville, New York 14026, being the lowest responsible bidder in conformance with the specifications on file in the office of Wm. Schutt & Associates, PC , in the total amount of \$34,540, with \$20,000 provided through the Parks Grant and the remaining balance from the Town’s Recreation Filing Fee Fund.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief for the Town of Lancaster’s Department of Parks, Senior Facility and Buildings & Grounds, has requested that the Town Board authorize invitation for bid for the construction of the Mechanic Street Park Tennis Court Rehabilitation within the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the construction of Mechanic Street Park Tennis Court Rehabilitation, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on September 15, 2010 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

August 16, 2010

NOTICE TO BIDDERS
FOR THE
TOWN OF LANCASTER
MECHANIC STREET TENNIS COURT REHABILITATION

Sealed bids for the proposed replacement of the Keysa Park Shelter Refurbishing will be received by the Town Clerk, at her office in the **Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M.**, Local Time, on September 15, 2010, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the ENGINEER]. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in the Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

This project is being funded in part by a grant from the State of New York (NYS). It is the policy of NYS to encourage the greatest possible participation of minority and women-owned business enterprises in State funded projects. The General Contractor, by bidding on the Contract, acknowledges his/her understanding and support for this policy and pledges to fully cooperate with the Town of Lancaster in meeting NYS requirements as set forth in the Bidding and Contract Documents.

The Town of Lancaster has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprises (MWBE) suppliers, contractors, and/or businesses will be afforded equal opportunity without discrimination because of race, color, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veteran status.

Consulting Engineers:
William Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086
(716) 683-5961
Date: August 26, 2010

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk
August 16, 2010

COMMUNICATIONS & REPORTS

326. Time Warner Cable to Supervisor -
Notification of cable television developments within the Town. DISPOSITION =
Received & Filed
327. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding proposed addition to WNR Pattern & Tool, Inc.,
Pavement Road. DISPOSITION = Received & Filed
328. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding proposed Transit Boulevard Apartments, Transit Road
north of William Street. DISPOSITION = Received & Filed
329. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding final plat for the Vine Subdivision, Bowen Road at
Summerfield Drive. DISPOSITION = Received & Filed
330. Town Clerk to Town Board -
Monthly report for July 2010. DISPOSITION = Received & Filed
331. Village of Lancaster to Town Board -
Minutes of meeting held July 26, 2010. DISPOSITION = Received & Filed
332. Highway Superintendent to Town Attorney -
Request resolution to award bid for Pick Up Trucks to Basil Ford. DISPOSITION =
Resolution 8/16/10
333. Nora Andreski to Town Board -
Letter regarding speed limit within the Summerfield Farms Subdivision =
DISPOSITION = Police, Public Safety Committee
334. Jeremy Colby, Esq. to Town Clerk -
Letter regarding parking on Seneca Place.= DISPOSITION = Police, Public Safety
Committee
335. Wm. Schutt & Associates, P.C. to Town Board -
Recommendation to award contract for Keysa Town Park Shelter Refurbishing to the
lowest responsible bidder. DISPOSITION = Resolution 8/16/10
336. Elliott J. Ehrenreich to Town Board -
Advisement of application for liquor license renewal for Scott's Buffalo Wings, Inc
DISPOSITION = Town Clerk
337. NYS DOT to Town Attorney -
Comments on Transit Boulevard Apartments, Transit Road north of William Street.
DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 10:30 P.M. in memory of Antonio Laurienzo.

Signed_____

Johanna M. Coleman, Town Clerk

